

## **BILL NO. 19-169**

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER IN DISTRICT AG ON LAND LOCATED AT 111 SW HOOK RD, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-147 submitted by American Tower Asset Sub II, LLC, requesting a special use permit for a special use permit for a telecommunication tower in District AG (Agricultural District) on land located at 111 SW Hook RD was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a special use permit by the City following public hearings by the Planning Commission and City Council, and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the special use permit on June 27, 2019, and rendered a report to the City Council recommending that the special use permit be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on July 23, 2019, and approved a motion for a second ordinance reading to approve the special use permit for said property; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section 6.1200 of the Unified Development Ordinance to allow for Telecommunication towers in District AG with a special use permit is hereby granted for an indefinite period, with respect to the following described property:

*ALL THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 47, RANGE 31, LOCATED IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 87 DEGREES 52 MINUTES 32 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 869.42; THENCE SOUTH 2 DEGREES 17 MINUTES 48 SECONDS WEST, A DISTANCE OF 496.90 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 2 DEGREES 17 MINUTES 48 SECONDS WEST, A DISTANCE OF 201.40 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 23 SECONDS EAST, A DISTANCE OF 145.01 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 9 SECONDS WEST, A DISTANCE OF 214.20 FEET; THENCE NORTH 87 DEGREES 14 MINUTES 15 SECONDS WEST, A DISTANCE OF 647.74 FEET; THENCE NORTH 2 DEGREES 45 MINUTES 45 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 60 DEGREES 13 MINUTES 50 SECONDS EAST, A DISTANCE OF 236.74 FEET; THENCE NORTH 2 DEGREES 44 MINUTES 38 SECONDS EAST, A DISTANCE OF 235.01 FEET; THENCE SOUTH 87 DEGREES 15 MINUTES 22*

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*SECONDS EAST, A DISTANCE OF 300.01 FEET, TO THE POINT OF BEGINNING.  
TOGETHER WITH A NON-EXCLUSIVE ROADWAY EASEMENT.*

SECTION 2. That the following conditions of approval apply:

1. The tower owner is required to submit maintenance logs and structural inspections on a yearly basis to the City staff for review. The TIA reports shall be submitted to staff every three years for review. The applicant shall reimburse the City for all costs associated with the review.

SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Mayor William A. Baird*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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*Mayor William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*